

REMARKS

Claims 1, 4-8 and 16 are pending in the application and have been rejected.

Case Status

Applicants thank the Examiner for reviewing the Appeal Brief filed on June 2, 2006 and subsequently reopening prosecution of the present case based on the substance of the Appeal Brief and the current claim status.

Claim Rejections – 35 USC § 103

In section 2 of the Office Action, the Examiner rejected claims 1, 4, 8, and 16 under 35 U.S.C. 103(a) as being unpatentable over Wankmueller (U.S. Patent No. 6,857,566) in view of Nishikado et al. (U.S. Patent No. 6,572,025, from hereinafter “Nishikado”). Wankmueller teaches a card having a bar code and a radio frequency chip. Together these two information coding means are used to communicate and authenticate the account for the transaction. Nishikado discloses a transaction card that uses a two-dimensional symbol for storing a representation of coded data.

With regard to independent claim 1, independent claim 1 has been amended to recite that the two-dimensional symbol on the card contains coded account information as well as entity identification information. Further, claim 1 recites that “the identity identification information useable for comparing with a characteristic of the entity associated with the card.” For example, the two-dimensional symbol may contain account information as well as biometric information (entity characteristic information such as, fingerprint, face identification, handwriting, etc.). When presented at a transaction site, the presenter would have to provide biometric input (fingerprint reader, camera, touch pad and stylus, etc.) which is then compared with the identity information coded within the two-dimensional symbol. The use of a two-dimensional symbol allows a substantial amount of information to be coded into the symbol, much more than conventional one-dimensional technologies (bar codes, magnetic strips, etc.). This increased amount of information allows both account and user identification information to be coded into the symbol in a cost effective manner. Because neither Wankmueller nor Nishikado, discloses, teaches, or suggests, alone or in any proper combination the two dimensional symbol containing

account information and entity identification information and using the entity identification information to compare with a characteristic of the entity associated with the card, independent claim 1 and its dependent claims are therefore not obvious in view of Wankmueller and Nishikado. Thus, claim 1 and its dependent claims should be allowed.

With regard to independent claim 8, independent claim 8 has been amended to recite that the two-dimensional symbol on the card contains coded account information as well as user identification information. Further, claim 8 recites that “the user identification information derived from decoding the two-dimensional binary information symbol is used to compare with a characteristic of the entity provided by the entity.” For example, the two-dimensional symbol may contain account information as well as biometric information (a characteristic of the entity such as, fingerprint, face identification, handwriting, etc.). When presented at a transaction site, the presenter would have to provide biometric input (fingerprint reader, camera, touch pad and stylus, etc.) which is then compared with the identity information coded within the two-dimensional symbol. The use of a two-dimensional symbol allows a substantial amount of information to be coded into the symbol, much more than conventional one-dimensional technologies (bar codes, magnetic strips, etc.). This increased amount of information allows both account and user identification information to be coded into the symbol in a cost effective manner. Because neither Wankmueller nor Nishikado, discloses, teaches, or suggests, alone or in any proper combination the two dimensional symbol containing account information and user information and using the user information to compare with a characteristic of the entity either provided by the entity, independent claim 8 and its dependent claims are therefore not obvious in view of Wankmueller and Nishikado. Thus, claim 8 should be allowed.

With regard to independent claim 16, independent claim 16 has been amended to recite that the two-dimensional symbol on the card contains coded identity information for the particular entity. Further, claim 16 recites “comparing the identity information with that of the entity presenting the card.” For example, the two-dimensional symbol may contain biometric information (a characteristic of the entity to be identified by the identification card such as, fingerprint, face identification, handwriting, etc.). When presented for identification, the presenter would have to provide biometric input (fingerprint reader, camera, touch pad and stylus, etc.) which is then compared with the identity information coded within the two-dimensional symbol. Because neither Wankmueller nor Nishikado, discloses, teaches, or suggests, alone or in any proper combination the two dimensional symbol containing identity

information and using the identity information to compare with identity information of the entity presenting the card, independent claim 16 and its dependent claims are therefore not obvious in view of Wankmueller and Nishikado. Thus, claim 16 should be allowed.

In Section 3 of the Office Action, the Examiner rejected claims 5-7 under 35 U.S.C. 103(a) as being unpatentable over Wankmueller as modified by Nishikado and further in view of Tahan (U.S. Patent Application Publication No. 2002/0111830). As independent claim 1, from which claims 5-7 depend, is now believed to be allowable, claims 5-7 are also allowable for at least the same reasons and therefore should also be allowed.

Applicants have amended claims 1, 8, and 16 in hopes to expedite allowance of the claims and issuance of a patent. Accordingly, applicants have not directly argued the patentability of claims 1, 4-8, and 16 prior to the amendment and thus do not acquiesce the obviousness of those claims as has been asserted by the Examiner.

CONCLUSION

Accordingly, it is submitted that presently pending claims 1, 4-8 and 16 are currently in condition for allowance, a notice of which is earnestly solicited. If the Examiner finds any issue remaining after consideration of this response, the Examiner is invited to contact the undersigned, at the Examiner's convenience, in order to expedite any remaining prosecution.

Respectfully Submitted,

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